Asthma patients (air-conditioned wards)

* 890 *Q.*—SRI V. K. KOTHANDARAMAN : கனம் ரெவின்யூ அமைச்சர் தயவுசெய்து கீழ்க்கண்ட கேள்விக்குப் பதிலளிப்பாரா—

ஆஸ்த்மா நோயாளிகளுக்கு ஏர்கண்டிஷன் வார்டுகள் கட்டுவதின் மூலம் ஆஸ்த்மா வியாதியை போக்கமுடியும் என்பதைப் பற்றி ஆராய்ச்சி ஏதேனும் செய்யப்பட்டுள்ளதா ? அப்படியாயின் விவரமென்ன ?

THE HON. SRI M. A. MANICKAVELU : No, Sir.

SRI V. K. KOTHANDARAMAN : ஸார், ஆஸ்த்மா வியாதியஸ்தர்கள் குளிர் காலத்தில் ரொம்பக் கஷ்டப்படுகிறார்கள், பனி பட்டால் ஆகிறதில்லை. ஆகவே, ஏர் கண்டிஷன் அறையை ஏற்படுத்தி, அவர்களுக்கு எவ்வளவு உஷ்ணம் வேண்டுமோ அப்படிச் செய்ய ஆராய்ச்சி செய்து ஏற்பாடு செய்ய சர்க்கார் முன்வருமா ?

THE HON. SRI M. A. MANICKAVELU : முதலிலே கனம் அங்கத்தினர் ஏர் கண்டிஷன் என்றதும் குளிர்ச்சி அறையைத்தான் கேட்கப் போகிறார் என்று பயந்தேன். இப்பொழுது உஷ்ணமான அறை வேண்டும் என்கிறார். அதைப் பற்றி இப்பொழுது ஒன்றும் ஆராய்ச்சி செய்யவில்லை.

MR. SPEAKER : Questions are over.

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

II. PRIVILEGE MATTER *re* CERTAIN CRITICISM IN "THE MAIL" EDITORIAL DATED 10TH MARCH 1961.

MR. SPEAKER : Hon. Members may remember that a few days ago hon. Member Sri M. Kalyanasundaram raised a matter of privilege and gave me notice of the same as I was coming to the House. I said to him that I would consider it and give my decision. I would like to read the relevant rules from the Madras Legislative Assembly Rules so that it may not create confusion.

Rule 184 of the Assembly Rules says as follows :—

"A member wishing to raise a matter of privilege shall, before the commencement of the sitting of the day on which he proposes to raise the point, leave with the Speaker a written notice of the matter proposed to be raised."

Rule 185 of the Assembly Rules says as follows :—

"If the Speaker is of opinion that the matter which the member proposes to raise does involve a question of privilege of the House, he may consent to the matter being raised."

As per the existing rule, the decision of the Speaker so far as this matter is concerned, is final. If the Speaker says that there is no *prima facie* case, it is final. As matters stand at present, that is the position. Of course, the hon. Member is entitled to try to change the rules. As a matter of fact I remember that he tried

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to change the rule in this respect, at the Rules Committee meeting held at Ootacamund, but he was convinced that the present procedure was correct.

Thirdly, at this stage, I wish to point out that no appeal lies on the Speaker's ruling to the Business Advisory Committee. I say this because the hon. Member was saying that he would take up this matter with the Business Advisory Committee. I may tell the hon. Member that the Business Advisory Committee is not an appellate authority to sit in judgment over the Speaker's ruling.

Now, according to rule 186, 'a matter of privilege must be raised after the questions and before the list of the business for the day is entered upon.' Rule 187 lays down that 'The right to raise a question of 'privilege' shall be subject to the following restrictions, viz :—

"(i) The alleged breach of privilege must refer to a matter of recent occurrence;

(ii) A *prima facie* case of a breach of privilege must be made out."

The hon. Member has satisfied rule 184 which I have already read. Rule 186 is being followed now. Under rule 187, I am satisfied that both the conditions laid down there have been fulfilled. Now, we have to follow rule 188 which states—

"When a member has with the consent of the Speaker raised a matter of privilege, the Speaker shall read the matter to the House and decide whether a *prima facie* case of breach of privilege has been made out or not therein."

I wish to announce that the hon. Member has my consent to raise the matter in this House. I shall give my decision later.

* SRI M. KALYANASUNDARAM : Mr. Speaker, Sir, with your permission, in the first instance, I want to explain what the matter of privilege is.. I have with me 'The Mail', dated 10th March 1961.

MR. SPEAKER : The hon. Member must be brief at this stage.

SRI M. KALYANASUNDARAM : Sir, I wish to draw your kind attention to rule 187 which states . . .' (i) The alleged breach of privilege must refer to a matter of recent occurrence; (ii) A *prima facie* case of a breach of privilege must be made out.' Only when I make out a *prima facie* case of a breach of privilege, you will be able to decide whether a *prima facie* case has been made out or not.

THE HON. SRI C. SUBRAMANIAM : Still, the hon. Member should be brief.

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SRI M. KALYANASUNDARAM : To the best of my ability, I shall try to be brief.

Sir, The Mail, dated 10th March 1961 has written an editorial under the caption, ' Madras Police.' Before trying to explain how it is a breach of privilege, let me state the facts now. This editorial is a comment on the debate that took place in this House on the 8th and 9th March 1961 on Demand XIV—Police. In more than three or four places in this editorial, reflections are cast on the proceedings of this House as well as on the speeches of some of the hon. Members of this House. Let me now bring some of these instances to the notice of this Honourable House.

In one place, the editorial says :—

" The police are part of the permanent services, carrying out their duties loyally. It is quite probable that there may be among them, as in other walks of life, a few black sheep; but to allege as Mr. Anbazhagan did in the Assembly, that the police have failed to do their duty by the people in general, and the Opposition parties in particular, is trying to malign a force that has done its best . . ."

Now, Sir, hon. Member Sri Anbazhagan's reference to the police and its conduct on the floor of the House is sought to be made in this editorial as ' trying to malign ' that force. The author of the editorial views it as maligning the police force. This is a reflection and imputation on the proceedings of this House for which hon. Member Sri Anbazhagan who spoke on the floor of this House, is responsible. That is number one.

Number two is this. The author of the editorial has also stated thus :

" Demoralisation in the police force is caused not by the reasons adduced by Mr. Kalyanasundaram, but by such speeches as those made by him and other Opposition leaders, protected and privileged as they are within the House. Irresponsible generalisations that the Government is, in connivance with unsocial elements, exploiting the police to suppress other political parties, or that the Government is using the police as a tool of the Congress Party, should be avoided."

Sir, it is not only a reflection on the speech made by me on the floor of this House, but it also amounts to a warning that such a speech should be avoided. It amounts to a warning as to what a Member should do and should not do in this House. I could quote instances from May's Parliamentary Practice to show that a comment should not warn a Member as to his conduct on the floor of the House. Here it is both a reflection on my speech and a threat to me that I should not make such a reference. I am not afraid of bullets and rifles, but I am certainly cautious when it relates to pen.

THE HON. SRI C. SUBRAMANIAM : I am afraid all these are beyond the scope of the discussion at this stage.

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SRI M. KALYANASUNDARAM : Number three is this. It has also been stated in the editorial like this :—

" That political motives have been imported into this mud-sliging campaign against the police is obvious and is a development to be deeply regretted."

Sir, this is a most important point. Motive is imported to the speeches made by the hon. Members on the floor of this House. The editorial says that political motives have been imported and it further characterises the reference to the conduct of the police as ' mudslinging campaign against the police.' On top of it, the author of the editorial regrets it. In a similar case, the Corporation of Madras, for having regretted certain speeches made on the floor of this House, was proceeded against by this House. This is the most unfortunate portion of the editorial which has dealt in a general way with the proceedings of this House. . Of course, there are some more points also. I wish to state on this occasion that the whole tempo of the editorial is bad enough. I do not mind the story layer if it is a fair comment. But, it has imported motives and tried to reflect on the speeches made and to discredit those speeches. . That is my point.

There are several instances where alleged imputations made to attribute motives have been held as a breach of privilege. Written imputations, affecting a Member of Parliament may amount to breach of privilege without perhaps being libels. Even if it is not a libel under the common law, if it is a written imputation, it amounts to a breach of privilege. Here, in this particular case, we have this written imputation to the effect that we made our speeches with some political malice or motive, with a view to maligning the police force and our speeches are only a mudslinging campaign against police. It is a clear reflection; motive is attributed. I wish to repeat it is a written imputation. What Erskine May says in such cases is that ' written imputation is analagous to molestation of members. Molestation need not be made physically. A written imputation is analagous to molestation of a Member for his conduct on the floor of the House.' Here, it amounts to molestation of members for their conduct on the floor of the House. This is also a serious breach of privilege.

Sir, I wish to draw your attention to page 126 of May's Parliamentary Practice. There, we have a resolution of the House of Commons. It states thus : ' Publishing the names of Members of this House and reflecting upon them and misrepresenting their proceedings in Parliament is a breach of privilege of this House and destructive of the freedom of Parliament.' Here it is a clear distoration of our speeches. Motive is attributed and our speeches are sought to be discredited in the eyes of the public. Certainly, this will affect the freedom of speech on the floor of the House. Members of this House are expected to speak on the floor of this House without fear or favour. If papers start writing editorials

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condemning the Members and discrediting them, then where do we have any remedy? There are some instances even in our country where similar instances have been held as breach of privilege.

There was a case taken up in the Delhi Vidhan Sabha where also a newspaper condemned the speech of an hon. Member. You kindly refer to page 9 of 'The Privileges Digest in India' published by the Lok Sabha. There, imputing motives to an hon. Member by a newspaper is held as a breach of privilege.

Then in 1957 in the Madhya Pradesh Vidhan Sabha, publication of a letter in a newspaper making adverse comments on the
9.30 a.m. speech of an hon. Member had been held as a breach of privilege and the matter had been referred to the Committee of Privileges. So, in our country there are ample instances to show that when motives are imputed, it amounts to a breach of privilege and the matter should be referred to the Committee of Privileges.

One more point. I would not mind if it is a slight distortion of our speech during the course of reporting it. Here editorial has got a specific purpose. The author of this editorial is expected to know Parliamentary practices. He has written good English. As an educated and cultured person he is expected to know Parliamentary practices. But he has written it deliberately to discredit the proceedings of . . . .

MR. SPEAKER : This point may not be relevant.

SRI M. KALYANASUNDARAM : I shall place it before the Committee.

MR. SPEAKER : What is the breach of privilege involved in regard to this point?

SRI M. KALYANASUNDARAM : I should not be misunderstood that I am trying to curb the freedom of the press in so far as it relates to the proceedings of the House. Certainly the press is entitled to certain freedom.

MR. SPEAKER : The hon. Member need not refer to this point here.

SRI M. KALYANASUNDARAM : As a legislator, I should make my position clear. . . . (Interruption from the Hon. Sri C. Subramaniam) If my party commits such a mistake, it should also be hauled up before this House.

MR. SPEAKER : This portion of the speech of the hon. Member has really no relevancy.

SRI M. KALYANASUNDARAM : Sir, I am trying to point out that it is not a fair comment on the proceedings of the House. It is a deliberate attempt to cast reflection on the proceedings

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of the House. That paper has not cared to publish 'irresponsible speeches' according to it, the speeches which contained 'irresponsible generalisations'.

MR. SPEAKER : That is a point in favour of the hon. Member.

SRI M. KALYANASUNDARAM : If they were so much concerned with public interest, they should have reported the speeches in full as spoken by us and then showed how they were irresponsible and mud-slinging and also irresponsible generalisations. Then, we could have understood the fairness of the paper.

MR. SPEAKER : Is the hon. Member going to raise the point of privilege or the non-publication of a speech in full?

SRI M. KALYANASUNDARAM : Sir, I do not want the indulgence of any paper.

It is not only a question of reflection on the conduct of the hon. Members on this side of the House but there is also the question of that paper trying to usurp the powers of the Hon. Speaker. Sir, it is also stated that it is the function of the Chair and the Chair alone, to see that these rules are properly observed and it is not the concern of any other authority howsoever powerful it may be, to tell hon. Members what they should do and what they should not do. So what they should do or should not do is the concern of the Hon. Speaker and not that of the paper outside which wants that the hon. Members of this House should not make such allegations. So, in a way they are trying to usurp the functions of the Hon. Speaker. For these reasons I hold that this is a definite case of breach of privilege and that is my view. Further, this is not an accidental thing.

Sir, I have another representation to make to the Hon. Minister-in-charge of . . .

MR. SPEAKER : The hon. Member cannot refer to it at this time when the privilege matter is under discussion.

SRI M. KALYANASUNDARAM : I have some information and as soon as I gather that information, I shall submit it to the Hon. Minister for Home. I want him to enquire whether some responsible officials of the Police Department . . .

MR. SPEAKER : The hon. Member need not refer to it.

SRI M. KALYANASUNDARAM : What is the remedy if the Department goes on canvassing . . .

THE HON. SRI C. SUBRAMANIAM : I am sorry the hon. Member is going beyond his limits. He himself says that he has to gather information. If that is so, can he make insinuations on the floor of this House by taking advantage of his privilege . . .

MR. SPEAKER : I uphold the point raised by the Hon. the Leader of the House. The point raised by the hon. Member is irrelevant, and I cannot allow any discussion on that point. The hon. Member can write to the Hon. Minister privately about it.

SRI M. KALYANASUNDARAM : About the department, I have a right to say . . .

MR. SPEAKER : The hon. Member cannot say that. I am sorry if the hon. Member persists, I will have to take other action. Let not the hon. Member refer to what has happened outside this House. The hon. Member has raised the point of privilege and I will give my ruling.

SRI M. KALYANASUNDARAM : At the moment I am only trying to raise a point of privilege with regard to the leader which appeared in that paper.

MR. SPEAKER : Yes, but the hon. Member is trying to raise some other issue.

SRI M. KALYANASUNDARAM : Certainly I have no desire to misuse my privileged position. When I feel justified to refer to a certain matter, I would do it irrespective of the consequences and I do not propose to take shelter under this privileged position.

THE HON. SRI C. SUBRAMANIAM : Is it a threat against the Hon. Speaker? When the Hon. Speaker says that the hon. Member should not refer to it, he still indulges in it.

SRI M. KALYANASUNDARAM : I know that the Hon. the Leader of the House is a clever criminal lawyer.

MR. SPEAKER : The hon. Member should leave it to the Chair to decide it.

SRI M. KALYANASUNDARAM : Further, it is stated that 'let politicians at least refrain from maligning him and his officers engaged in an arduous job.'

MR. SPEAKER : It does not refer to the hon. Member.

SRI M. KALYANASUNDARAM : It refers to politicians. The whole editorial deals with the speeches made on the floor of this House by the politicians who are in this House and not about politicians who are outside this House. Even if they had written something about me for what I had stated outside this House, that would not come under breach of privilege. But this is with reference to the speeches made by me and the hon. Member, Sri Anbazhagan in particular and some of the speeches made by other opposition Members in general. So, it casts reflection, it imputes motives, it distorts our proceedings and it seeks to discredit our speeches. For these four reasons, I hold that there is a definite breach of privilege. Now I request the Chair to give a ruling.

MR. SPEAKER : I will now read further Rules 188 and 189 of the Assembly Rules. Rule 188 says—

'When a member has with the consent of the Speaker raised a matter of privilege, the Speaker shall read the matter to the House and decide whether a *prima facie* case of breach of privilege has been made out or not therein.'

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Rule 189 says—

'If the Speaker holds that a *prima facie* case exists, he may allow a motion to be made by any member that the alleged breach of privilege be referred to the Committee of Privileges, or in the alternative, that it be dealt with by the House itself.'

The Hon. the Leader of the House can speak at that stage.

Now the matter raised by the hon. Member, Sri Kalyanasundaram, refers to a matter of recent occurrence. It also involves the question of breach of privilege. I therefore rule that a *prima facie* case of breach of privilege has been made out. Now it is open to any hon. Member of this House to move a motion.

SRI M. KALYANASUNDARAM : Sir, I move—

'That the matter be referred to the Committee of Privileges.'

The motion was duly seconded.

THE HON. SRI C. SUBRAMANIAM : I support the motion. In doing so I would like to say a few words because this is a very important matter concerned with the freedom of the Press and how far the freedom of the Press can be exercised particularly in criticising the speeches of hon. Members including Ministers made on the floor of the Assembly. Certainly in a democratic set up we should have the greatest amount of freedom particularly to the Press so that there may be fair comment on the proceedings of any legislature. But I am in complete agreement with the statement made by the hon. Member who moved this motion, viz., that there should be no unfair criticism. But what is fair or unfair is a very difficult thing to judge. Each case will have to be decided on the facts of that case. I am sure the same attitude will be taken by the hon. Member when Ministers are also criticised for what they speak here. I am glad that the hon. Member has been quite quick when he or some other Opposition member has been criticised. I think he would adopt the same attitude when Ministers are also criticised for the speeches they make here on the floor of the House.

SRI M. KALYANASUNDARAM : I did take up the question on a previous occasion.

THE HON. SRI C. SUBRAMANIAM : I am thankful to the hon. Member for that. That is one thing.

It is for the Committee of Privileges to find out whether it is fair comment or unfair comment, how far the freedom of the press could be allowed to comment on the proceedings of the House and on the speeches made by hon. Members of this House. I am sure the Committee would go into precedents and arrive at a correct decision.

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Another thing to which the hon. Member referred to is about attribution of motives. It is not as if attribution of motives is always objectionable. Suppose a paper says that a speech has been made with the best of motives. Even then it is attributing motive. But that cannot be objectionable. We are all political figures, politicians as the hon. Member put it. When reference is made about politicians and when it is said political motive is attributed, it is important to consider whether the motive attributed is a 'bad motive'. Whether attributing political motive is a matter of privilege is a thing which will have to be decided by the Committee. It is a ticklish question. It is said it was done because of political bias or political motive. I do not know how far it will be . . .

SRI M. KALYANASUNDARAM: On a point of Order, Sir. I seek your clarification. The Hon. Leader of the House is canvassing on certain points, when a matter is referred to the Committee of Privileges, I do not know how far it will be fair to canvass these points either for or against on the floor of the House. Is it in order to make such a long speech on the subject?

THE HON. SRI C. SUBRAMANIAM: I am not making a long speech. I am only making the points clear so that the Committee may be able to come to correct conclusions. As Leader of the House I have got a duty not only to place certain matters before the Committee of Privileges but I presume I have got a duty to guide the Committee to take correct decisions. I am not going into ultimate decisions on this point. These are points which will have to be put up for consideration. That is what I am saying. Therefore I am placing certain relevant points which will have to be considered. It is said that political motive has been attributed to a speech by an hon. Member. How far the political motive is a matter of privilege and whether it is objectionable is a matter for the Committee of Privileges to consider. I am stating things in a fair way, as a matter of fact. Therefore I do not know how the hon. Member could object to it. These are the two things which will have to be considered by the Committee of Privileges. I am glad, Sir, that you have held that a *prima facie* case of breach of privilege has been made out. These are complicated matters which could be thrashed out in the Committee. I am sure the Committee of Privileges would come to correct conclusions.

SRI V. K. RAMASWAMY MUDALIYAR: I have to endorse the opinion of the hon. Member Sri M. Kalyanasundaram. I am also of the opinion that this matter should be referred to the Committee of Privileges.

SRI K. ANBAZHAGAN: கனம் தலைவர் அவர்களே, நண்பர் திரு. கல்யாணசுந்திரம் அவர்கள் தீர்மானம் கொண்டுவந்திருந்த போதிலும்கூட நானும் மற்றொரு தீர்மானத்தை தரவிரும்புகிறேன். இப்பொழுது இருக்கும் தீர்மானம் உரிமைக் குழுவிற்குப்போய் அங்கு நல்ல முறையிலே ஆராய்வதற்கு வாய்ப்பு இருக்கிறது.

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முக்கியமாக இந்தச் சபையின் அங்கத்தினர்களின் அடிப்படையான உரிமைகளைப் பாதுகாப்பதற்கான வழிமுறைகளைக் காண வேண்டுமென்று சொல்லிக்கொண்டு என் உரையை முடித்துக் கொள்ளுகிறேன்.

MR. SPEAKER: Motion moved—

"That the matter be referred to the Committee of Privileges".

There is another point. It can only be referred to the next Committee of Privileges, which will be formed after the 18th instant. Therefore I would like the hon. Member Sri Kalyanasundaram to add the words "to the next Committee of Privileges for the year 1961-62".

SRI M. KALYANASUNDARAM: Sir, I move—

"That the matter be referred to the next Committee of Privileges for the year 1961-62."

The motion was duly seconded.

MR. SPEAKER: The question is—

"That the matter be referred to the next Committee of Privileges for the year 1961-62."

The motion was put and carried.

III.—GOVERNMENT MOTIONS.

(1) CHANGE IN THE ORDER OF TAKING VOTING ON DEMANDS FOR GRANTS.

THE HON. SRI C. SUBRAMANIAM: Sir, under Rule 21 (3) of the Madras Assembly Rules I move—

"That Demand XXIX—Civil Works—Grants-in-Aid scheduled to be taken up on 23rd March 1961 be taken up on 25th March 1961 and that Demand XXXII—Stationery and Printing scheduled for 25th March 1961 be taken up on 23rd March 1961."

MR. SPEAKER: The question is—

"That Demand XXIX—Civil Works—Grants-in-Aid scheduled to be taken up on 23rd March 1961 be taken up on 25th March 1961 and that Demand XXXII—Stationery and Printing scheduled for 25th March 1961 be taken up on 23rd March 1961."

The motion was put and carried.

(2) REPORT OF THE COMMITTEE OF PRIVILEGES ON THE "MADRAS CORPORATION CASE."

THE HON. SRI C. SUBRAMANIAM: Sir, I move—

"That the Report of the Committee of Privileges (Madras Corporation case) be accepted."